



GUIDELINES FOR SUBMITTAL AND PROCESSING OF LARGE SCALE PROJECTS

(Specific Plans)

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ATTACHMENTS

- (A) Board of Supervisors Policy I-59 (as amended)
- (B) Section 11000.5 Business and Professions Code (Land Projects)
- (C) Section 65450, Et Seq., Government Code (Specific Plan)
- (D) Specific Plan Format
- (E) Large Scale Project Application Project

I. DESCRIPTION AND PURPOSE OF LARGE SCALE PROJECT

A Large Scale Project (LSP) is a major land development meeting certain criteria (see II). Processing emphasizes the phasing of the project and involves both a Specific Plan for the proposed first five-year development and a generalized concept plan for the remainder of the ownership, if any. It is the Specific Plan that is ultimately considered by the Board of Supervisors and, if adopted, becomes the Official Plan for the LSP. If more than one five-year phase is involved, a Specific Plan must be adopted for each. Authorization for processing the LSP/Specific Plan derives from Board of Supervisors Policy I-59, "Large Scale Project Review", adopted on August 26, 1975.

The Policy identifies the purpose of LSPs as follows:

- a) To assure consistency with all existing State laws and local ordinances;
- b) To assure conformity to the adopted General Plan Elements including Community Plans;
- c) To assure compatibility with adjacent development;
- d) To assure consistency with the Regional Growth Management Plan; and
- e) To assure availability of public services and facilities adequate to serve the development.

II. PROJECTS REQUIRING LARGE SCALE PROJECT PROCESSING

A large scale project is any of the private projects identified below which requires a Zone Reclassification, Major Subdivision Map, or a Major Use Permit:

- A. A residential or recreational development which, together with all contiguous land owned or controlled by the same person or persons, is either:
 - 1. Located in the Current or Future Urban Development Areas as shown on the General Plan, is 100 acres or more in size, and on which is proposed to be developed (or which could be developed pursuant to The Zoning Ordinance without a use permit) with 300 or more dwelling units, mobilehome lots, or transient occupancy units, or
 - 2. Located in a General Plan category other than the Current or Future Urban Development Areas, is 100 or more acres in size, and on which is proposed to be developed (or which could be developed pursuant to The Zoning Ordinance without a use permit) with 50 or more dwelling units, mobilehome lots, or transient occupancy units.

3. Other developments or projects which would have at least as significant an impact on traffic, adjacent land use, or demand for public facilities as projects within the scope of “a” above.

The Planning Commission or Board of Supervisors may determine if any project is a LSP in the course of considering a project. The Director of Planning and Land Use (Director) may determine if a project is a LSP in the course of reviewing the application for a project.

III. WAIVER OF POLICY REQUIREMENTS

- A. A Specific Plan may be waived for a LSP if the Planning Commission or, an appeal board, the Board of Supervisors finds that:
 1. A Major Use Permit or Tentative Subdivision Map includes all the contiguous property owned or controlled by the same person or persons, and
 2. The Major Use Permit or Tentative Subdivision Map will be able to provide all the improvements and public services and facilities needed to support the development of the property at the proposed intensity. Also, that the proposed intensity is not above the maximum density or intensity of development permitted by The Zoning Ordinance without need of a Zone Reclassification.
- B. The requirement that a Specific Plan be prepared may be waived if the Planning Commission, or Board of Supervisors find that, due to special circumstances, a Specific Plan is not necessary because:
 1. The proposed development is a minor alteration or an existing project and will not generate any significant demand for public facilities and services, or
 2. The public facilities and services required by the proposed development are both readily determinable and insignificant.

IV. LARGE SCALE PROJECT PROCESS GUIDELINES FOR APPLICANT

A. Procedure

A two-step procedure shall be followed in processing Large Scale Projects/Specific Plans.

1. Prior to Application. Prior to the submittal of an application for a Specific Plan, the applicant shall hold a minimum of two pre-application meetings with the Department of Planning and Land Use to discuss the Specific Plan process, required submittal items and relevant issues surrounding the proposed project. The Director

may waive the pre-application meeting requirement if it is determined that the meetings are not necessary.

In addition to the pre-application meetings, applicants for a Specific Plan shall meet with applicable community/subregional sponsor groups prior to submittal of the Specific Plan. In order to provide maximum opportunity for the community to provide input and comment on the proposed project, the meeting should take place prior to the preparation of the Specific Plan.

While not required, applicants for amendments to existing Specific Plans are encouraged to hold pre-application meetings with the Department of Planning and Land Use.

2. Submittal of Specific Plan. Following the pre-application meetings, applicants may file a Specific Plan application. This plan will be required to meet all requirements of State law and County regulations.

B. Filing for Initial Determination

1. The applicant submits five copies of the required information. These reports are reviewed and if additional information, material or corrections are needed, the applicant is so notified.
2. Staff analyzes the project and prepares a finding as to whether the project conforms, provisionally conforms, or does not conform to the General Plan.
3. A finding of "Provisional Conformance" indicates that conformity can only be determined after extensive technical analysis; however, processing may continued.
4. Concurrently, staff makes a preliminary determination as to whether or not the proposed project is consistent with the Regional Growth Management Plan.
5. The staff findings are reviewed by the Director of Planning and Land Use or his assigned representative, and the applicant is notified of the determination.
6. If a project is determined to conform to the General Plan but not to be consistent to be premature. The applicant may proceed with the application and determination of the growth policy issue will be made by the Planning Commission in its consideration of the project.

C. Non-Conforming Projects

A finding of non-conformance is issued when a project is inconsistent with the County General Plan and must be reviewed by the Director of Planning and Land Use. If a project is given such a finding, the applicant may file for a General Plan Amendment with the Department of Planning and Land Use. Guidelines for this procedure are available from the Zoning Division of this office.

D. Land Projects

If a land project conforms to the General Plan, the Director of Planning and Land Use submits a report to the Board of Supervisors with recommendations whether or not the proposal shall be processed and a Specific Plan prepared. A Specific Plan for a "land project" is prepared only upon authorization by the Board of Supervisors. Subsequent project processing then proceeds as described for conforming projects.

E. Processing of Conforming Projects

1. The applicant with a conforming or provisionally conforming project prepares and submits five copies of the text and map. These are reviewed for adequacy by staff and revisions or additions are requested if needed. The applicant is then requested to submit a specified number of copies of the Specific Plan (usually about 25) for distribution to affected agencies. This constitutes the official filing of the project and must be accompanied by the LSP application and a check in the amount of \$4,670.00 as a deposit for processing the project. A draft Environmental Impact Report is also prepared and submitted at this time with a check in the amount of \$1,200.00. In preparation of these materials, the applicant coordinates with the staff of the Department of Planning and Land Use, EAD and other affected public agencies, including the County Health Department, the County Department of Transportation, Special Districts, etc.
2. Pertinent project material is then sent to all affected agencies. These agencies are requested to make a written response to the proposal as it affects their specific area of responsibility. Concurrent with this review by the other agencies, the staff responsible for processing the project undertakes an analysis of the proposal, including visits to the site. (Field trips may occur at an earlier stage.)
3. An advisory meeting is held, usually from 30 to 45 days after the distribution of project material to affected agencies. This is not a public meeting, but rather one intended to identify potential conflicts

and seek ways to resolve these. The affected agencies and the applicant are invited to participate.

4. The applicant is given an opportunity to resolved identified conflicts and may also be asked to submit a revised plan, if necessary.
5. Following these efforts, a final Specific Plan is prepared and all other necessary documents are reviewed by the Director of Planning and Land Use. The project is scheduled for public hearing.
6. Prior to the Planning Commission hearing, an additional 22 copies of the Specific Plan and text are needed for distribution to Planning Commissioners, County Counsel and the Board of Supervisors.

The Planning Commission holds a public hearing and makes a recommendation to the Board of Supervisors that the Specific Plan be approved, conditionally approved, or disapproved.

The Board of Supervisors conducts a public hearing to consider the application in accordance with adopted procedures and either adopts, conditionally adopts or disapproves the Specific Plan.

F. Concurrent Processing of Applications

At the request of the applicant and approval of the Director of Planning and Land Use, the preparation and processing of Specific Plans, Major Use Permits, Zone Reclassifications and Tentative Subdivision Maps for development of the subject property may be accomplished concurrently except where the proposed project is classified as a “land project”.

No application for Rezone, Tentative Map or Major Use Permit of a “land project” shall be processed until after a Specific Plan has been adopted by the Board of Supervisors.

V. REQUIRED SUBMITTAL ITEMS

The applicant is required to submit materials for: (A) An Initial Determination of Conformance with the County General Plan and a Preliminary Determination of Consistency with the Regional Growth Management Plan; and (B) the processing of conforming projects.

A. Initial Determination

Materials submitted for the Initial Determination include: (1) a Specific Plan (map and text) describing both the first five-year development phase and the remainder of the property (Concept Plan) if any; and (2) the Feasibility Report. Although the information required for Initial

Conformance Determination need not be detailed, it should be extensive enough to facilitate an assessment of the project against all General Plan Elements.

1. Minimum Content of Specific Plan Map

- a. Delineation of the Specific Plan area, which must include:
 - (1) General Plan, Regional and Subregional or Community Plan Land Use Designations.
 - (2) Slope analysis showing the following categories: 0-15%, 15-25%, 25-50%, 50%+ (or whatever breakdown pertains to the land use designations in question). Also, show the number of acres in each slope breakdown within each land use designation.
 - (3) Proposed specific land uses, both public and private, and their acreage allocation.
 - (4) Proposed lot layout.
 - (5) Number of dwelling units and net densities proposed for each residential area.
 - (6) Existing and proposed circulation system (major, collector and local roads, trails, etc.)
 - (7) See Government Code Section 65451 for contents (attached).
- b. Delineation of the Concept Plan area, if any, to show proposed generalized land uses, including approximate acreage and dwelling units.
- c. North arrow, name of proposed project and developer (applicant) and engineer.

2. Minimum Content of Specific Plan Text

- a. Description of Specific Plan area, to include:
 - (1) Objectives/Concept
 - (2) Location and number of acres
 - (3) Number and types of dwelling units.

- (4) Residential densities and Commercial and Industrial uses.
- (5) Existing and proposed zoning.
- (6) Brief discussion of the project as it relates to each of the General Plan Elements listed below.
 - Open Space Element
 - Land Use Element
 - Circulation Element
 - Recreational Element
 - Seismic Highway Element
 - Scenic Highway Element
 - Public Safety Element
 - Noise Element
 - Housing Element
 - Conservation Element
 - Energy Element
 - Public Facility

If a Community Plan is adopted, or pending, that include the project site, the relationship to that Plan should also be briefly discussed.

3. Content of Feasibility Report

Along with the Specific Plan materials, a Feasibility Report must be submitted showing that the development proposed for the first five year phase can be adequately served with sewers, schools, fire protection, water and access roads and other public facilities as appropriate.

The report should include:

- a. Name, address and telephone number of responsible jurisdiction providing the public facilities. Name of contact person.
- b. Present capacity of facility.
- c. Extent of present use of facility.
- d. Any proposed expansion or capital improvement programs.

- e. Letter from each jurisdiction indicating that it has been consulted and that it can adequately provide the necessary services required by the proposed development.

B. Conforming Projects

Materials required for the processing of conforming projects include: (1) a Specific Plan (1st phase); (2) an Environmental Impact Report; and (3) a Final Concept Plan for that ownership not covered by the Specific Plan, if any.

1. Content of Specific Plan

For information on content and format and items to be addressed in the Specific Plan, see Attachment D (Specific Plan format).

2. Content of Draft Environmental Impact Report

Contact the Environmental Analysis Division, Telephone No. 565-5757.

3. Content of Final Concept Plan

The Final Concept Plan is a refinement of the General Concept Plan prepared for the Initial Conformance Determination and will address the same points. This Final Concept Plan will reflect any modifications that may have occurred during the initial processing of the project.

VI. REQUIRED PROCESSING TIME

The time lapse from submittal of material for conformance determination until that determination is made is normally two to four weeks. An additional three months is normally required for the preparation, submittal and review of processing material for conforming projects. (If a Plan Amendment is needed, substantial time may be added.)

Processing time may however vary depending on the size and complexity of the project and the current caseload of the Department.

VII. FEES FOR PROCESSING THE LSP APPLICATION

Processing of a LSP (Specific Plan) by the Department of Planning and Land Use requires a deposit of \$5,300.00 with the total fees based upon the actual cost of processing. Review and preparation of the Environmental Impact Report for and LSP requires a fee of \$3,100.00.

As the cost of processing an LSP is based upon the amount of staff time involved in the review, it is recommended (1) that such basic concerns as the availability of public services be resolved by the developer prior to submitting the application; (2) that the application be thorough in its analysis of the project and the problems associated with its implementation; and (3) that the material submitted be complete.

LSPs in which the basic development problems have not been resolved, in which several revisions are necessary or proposed, or proposal which are generally incomplete and poorly prepared will create delays in staff processing and added expense.

VIII. AMENDMENTS TO ADOPTED SPECIFIC PLANS

Any proposed amendment to an adopted Specific Plan that would affect land uses or residential densities or the public services required to serve the proposed development must be submitted for complete review and public hearings according to this policy and Section 65453 of the California Government Code.

IX. AMENDMENTS TO ADOPTED PRIVATE DEVELOPMENT PLANS

Any proposed amendment to an adopted Private Development Plan shall be submitted to the Department of Planning and Land Use in order to determine if the amendment is a major amendment or a minor modification as specified in Policy I-59. If the proposal is a major amendment then the required materials to be submitted should be in accordance with Sections III and IV of these guidelines.

If the proposed amendment is determined to be a minor modification the following data and materials shall be submitted to the Department of Planning and Land Use.

- A. A report describing the modification including location, number of acres, dwelling units and densities, and anticipated impacts on adjacent land use, traffic and demand for public facilities.
- B. A map showing the proposed land uses and acreage allocation, the number of dwelling units and net densities proposed for each residential area, circulation, topography, scale, north arrow, and the name of proposed project and developer.
- C. A slope analysis map showing the slope categories established by the appropriate land use designation(s).
- D. A Feasibility Report, as described in Section V-3 of these guidelines.

This material is analyzed by staff, affected agencies are consulted, the EAD is contacted for a determination as to the adequacy of the EIR on file, and the processing is concluded according to the procedures established for the LSPs.

BUSINESS AND PROFESSIONS CODE §11000.6

(4) The undivided interests are created by a valid order or decree of a court.

(5) The offering and sale of the undivided interests * * * have been expressly qualified by the issuance of a permit from the California Commissioner of Corporations pursuant to the Corporate Securities Act or from the California Real Estate Commissioner under the Real Estate Syndicate Act.

(6) The undivided interests to be sold or leased are in real property improved with a residential, commercial or industrial structure or structures, and the current assessed value of the land does not exceed the current assessed value of the structures thereon. (Added by Stats.1971, c. 1285, p. 2518, §2, urgency, eff. Oct. 29, 1971. Amended by Stats.1972, c. 447, p. S16, §1.)

Library references

Brokers ____ 1.

C.J.S. Brokers §7 et seq.

§11000.5 Land project; conditions

A "land project" is a subdivision or subdivided lands within this state which satisfies all of the following conditions:

The subdivision of subdivided lands contain 50 or more parcels of which any 50 are both

(1) Not improve with residential, industrial, commercial, or institutional buildings and

(2) Offered for sale, lease, or financing for purposes other than industrial, commercial, institutional, or commercial agricultural uses.

(b) The subdivision or subdivided lands are located in an area in which reside less than 1,500 registered voters within the subdivision or within two miles of the boundaries of the property described in the final public report.

(c) Not constituting a community apartment project as defined in Section 11004, a project consisting of condominiums as defined in Section 783 of the Civil Code, or a stock cooperative as defined in Section 11003.2.

For purposes of subdivision (a), lands owned or beneficially controlled by substantially the same entities or interests shall be deemed to be part of the same subdivided lands or subdivision.

(Added by Stats.1969, c. 763, p. 1526. §2, operative Jan. 2, 1970.)

Rules and regulations, see 10 Cal.Adm. Code 2819.5 et seq., Submission of proposed advertising, see 10 Cal.Adm. Code 2819.85.

Library references, Words and Phrases (Perm.Ed.)

§11000.6 Conditions exempting subdivision from treatment as land project

A subdivision which would otherwise be treated as a land project under Section 11000.5 shall not be so treated, if the subdivider submits evidence satisfactory to the commissioner that any one of the following conditions exists:

(a) All lots within the subdivision are to be offered for sale only to builders or developers.

(b) The lots are not to be offered by means of substantial direct mail advertising, and overall sales promotion costs in connection with the sales thereof are nominal. For the purposes of this section, sales promotion costs shall be deemed nominal if they include a conventional real estate brokerage commission which commission shall not exceed similar commissions for similar services in non-land projects in the area where such services are rendered or a comparable area as determined by the commissioner plus an allowance of not more than 10 percent of the projected selling price of all of the lots for overhead and advertising.

(c) Other characteristics of the subdivision render such treatment unnecessary in order to provide protection to the public, as determined in accordance with reasonable regulations adopted by the commissioner to carry out the provisions of this chapter.

(Added by Stats. 1969, c. 763, p. 1526, §3, operative Jan. 2, 1970.)

Exemption if 20% of lots and parcels sold or offered for sale with completed residential structures. See 10 Cal.Adm. Code 2819-10.

Asterisks *** Indicate deletions by amendment: 4A Cal.Code. 1972 P.P.

Forms: See West's California Code Forms, Business and Professions.

GOVERNMENT CODE

§65450.1

Finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

(Amended by Stats.1967, c. 1165, p. 2850, §1; Stats.1974, c. 700, p. ----, §3.)

1967 Amendment. Added last sentence of paragraph (b).
Law Review Commentaries
Duty of private parties to file environmental statement. (1973) 61 C.L.R. 559
Expanding scope of environmental law.
Kevin P. Kane (Jan. 1973) 48 Los Angeles Bar bull. 81.
Friends of Mammoth: Vox populi or judicial social engineering. (1973) 1 Pepperdine L. Rev. 137.
Land use planning in the Bay area. (1967) 55 C.L.R. 836.

Supplementary Index to Notes

Impact report 7

1. Construction and application
Planning agency has no power under the Environmental Quality Act, in case of a local agency such

as water district, to make a decision that in binding on anyone as to adequacy of an environmental impact report. Environmental Defense Fund, Inc. v. Coastside County Water Dist. (1972) 104 CalRptr. 197, 27 C.A. 3d 695, supplemented 104 Cal.Rptr. 714, 28 C.A.3d 512.

7. Impact Report

Board purpose of the Environmental Quality Act which is to compel local governments to study and record the environmental implications of proposed activities before they are acted upon cannot be frustrated by procedural details surrounding the filing of reports, and those private projects for which no report is required under this section must still be proceeded by the environmental impact report.

Friends of Mammoth v. Board of Sup'rs of Mono County (1972) 104 Cal.Rptr. 761, 502 P.2d 1049. & C.3d 247.

ARTICLE 8. AUTHORITY FOR AND SCOPE OF SPECIFIC PLANS

Sec.

5450.1 Areas covered by specific plans [New].

05451. Contents [New]

05452. Additional contents [New].

Law Review Commentaries

Land development and the environment:

Subdivision Map Act. (1974) 5 Pacific L.J. §5.

§65450. Preparation of plans; direction of legislative body

Law Review Commentaries

Compatibility of economic and environmental objectives in governmental decision-making. (1974) 5 Pacific L.J. 92.

Local "General Plan" in California. Alan R. Perry (1971) 9 San Diego L.Rev. L.

1. In general

Adoption by County Board of Supervisors of Specific Plan for development of area as mountain subdivision, made subject to rezoning of property to conform to

Tentative Subdivision Maps on file, did not commit county to amend Zoning Ordinance or deprive County of its discretion to approve or disapprove application for zone change submitted by developer which was advised that requested zone change involved greater degree of responsibility over project that did the specific plan. People v. Kern county (1974) 115 Cal. Rptr. 67, 39 C.A.3D §30.

§ 65450.1 Areas covered by Specific Plans

A specific plan need not apply to the entire area covered by the General Plan. The legislative body or the planning agency may designate areas within a city or a county for which the development of a specific plan will be necessary or convenient to the implementation of the General Plan. The planning agency may, or if so directed by the legislative body shall, prepare specific plans for such areas and recommend such plans to the legislative body for adoption.

(Added by Stats.1971, c. 1446, p. 2856, §8.)

Law Review Commentaries

Birth control for premature subdivisions – a legislative pill. (1972) 12 Santa Clara L. 523.

Asterisks * * * Indicate deletions by amendment

§65451. Contents

Such specific plans shall include all detailed regulations, conditions, programs and proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the general plan listed in Section 65302, including, but not limited to, regulations, conditions, programs and proposed legislation in regard to the following:

(a) The location of housing, business, industry, open space, agriculture, recreation facilities, educational facilities, churches and related religious facilities, public buildings and grounds, solid and liquid waste disposal facilities, together with regulations establishing height, bulk and setback limits for such buildings and facilities, including the location of areas, such as flood plains or excessively steep or unstable terrain, where no building will be permitted in the absence of adequate precautionary measures being taken to reduce the level of risk to that comparable with adjoining and surrounding areas.

(b) The location and extent of existing or proposed streets and roads, their names or numbers, the tentative proposed widths with reference to prospective standards for their construction and maintenance, the location and standards of construction, maintenance and use of all other transportation facilities, whether public or private.

(c) Standards for population density and building density, including lot size, permissible types of construction, and provisions for water supply, sewage disposal, storm water drainage and the disposal of solid waste.

(d) Standards for the conservation, development, and utilization of natural resources, including underground and surface waters, forests, vegetation and soils, rivers, creeks, and streams, and fish and wildlife resources. Such standards shall include, where applicable, procedures for flood control, for prevention and control of pollution of rivers, streams, creeks and other waters, regulation of land use in stream channels and other areas which may have a significant effect on fish, wildlife and other natural resources of the area, the prevention, control and correction of soil erosion caused by subdivision roads or any other sources, and the protection of watershed areas.

(e) The implementation of all applicable provisions of the open-space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

(f) Such other measures as may be necessary or convenient to insure the execution of the General Plan.

(Added by Stats.1971, C. 1446, p. 2857, §10.)

Former Section 65451 was amended by Stats.1970. c. 1590, p. 3313, §7. and was repealed by Stats.1971, c. 1440, p. 2856, §7.

Forms: See West's California Code Forms, Government.

Law Review Commentaries

Growth control in California. Thomas P. Clark, Jr. and Roger A. Grable (1974) 5 Pacific L.J. 570.

1. In general Provisions of the Subdivision Map Act and §11551 support the authority of local governing bodies to require that all roads created pursuant to a subdivision or land project determine lot boundary lines. 56 Ops.Atty.Gen. 105, 2-27-73.

§65452. Additional contents

Such specific plans may also include all detailed regulations, conditions, programs, and proposed legislation which may be necessary or convenient for the systematic implementation of any general plan element as provided in Section 65303. (Added by Stats.1071, c. 1446, p. 2857, §11.)

Underline indicates changes or additions by amendment

ARTICLE 9. PROCEDURE FOR ADOPTION OF SPECIFIC
PLANS AND REGULATIONS

Sec.

65507. Establishment of specific plan or amendment thereto [New].

§65500. Hearing; notice

1. In general

Evidence that plaintiffs failed to pursue any remedy from alleged improper action of city council in failing to refer rezoning back to planning commission until filing of action two years after adoption of the ordinance, during which time intervenors purchased property and launched its development, supported finding that plaintiffs were guilty of laches and could not complain of the failure of the city council to refer the plan back. *Millbrae Ass'n for Residential Survival v. City of Millbrae* (1968) 69 Cal.Rptr. 251, 252 C.A.2d ____.

2. Necessity of hearing

Adoption of zoning requires public hearings with public notice and initiatives in zoning field are invalid. *People's Lobby, Inc. v. Board of Sup'rs. of Santa Cruz County* (1973) 106 Cal.Rptr. 666, 30 C.A.3d 869.

5. Report of commission

Proposed initiative ordinance restricting use of seashore property was invalid for violation of due process cause and for failure to follow statutory procedure for adoption of Zoning Ordinance. *People's Lobby, Inc. v. Board of Sup'rs of Santa Cruz County* (1973) 106 Cal.Rptr. 666, 30 C.A.3d 869.

§65503. Action by legislative body; hearing; notice

1. In general

Where planning commission had approved rezoning of eight separately designed sections and submitted them to city council but council rezoned only one of the sections, ordinance rezoning one section was merely an ordinance of lesser scope than that which council might have enacted and failure to

Rezone other seven sections did not amount to a change in the commission's recommendations and referral back to planning commission was not necessary. *Millbrae Ass'n for Residential Survival v. City of Millbrae* (1968) 69 Cal.Rptr. 251, 262 C.A.2d. 222.

§65504. Reference of proposed changes; failure to make reference

1. In general

Where planning commission had approved rezoning of eight separately designed sections and submitted them to city council but council rezoned only one of the sections, ordinance rezoning one section was merely an ordinance of lesser scope than that which council might have enacted and failure to rezone other seven sections did not amount to a change in the commission's recommendations and referral back to planning commission was not necessary. Millbrae Ass'n for Residential

Survival v. City of Millbrae (1968) 69 Cal.Rptr. 251, 262 C.A.2d 222.

Evidence that plaintiffs failed to pursue any remedy from alleged improper action of city council in failing to refer rezoning back to planning commission until filing of action two years after adoption of the ordinance, during which time intervenors purchased property and launched its development, supported finding that plaintiffs were guilty of laches and could not complain of the failure of the city council to refer the plan back. Id.

§65507. Establishment of specific plan or amendment thereto

When it deems it to be for the public interest, the legislative body may initiate and adopt an ordinance or resolution establishing a specific plan or an amendment thereto. The legislative body shall first refer such proposal to establish such specific plan or amendment thereto to the planning commission for a report. Before making a report, the planning commission shall hold at least one public hearing. The planning commission shall report within 40 days after the reference, or within such longer period as may be designed by the legislative body. Before adopting the proposed plan or amendment the legislative body shall hold at least one public hearing. Notice of the time and place of hearings held pursuant to this section shall be given in the time and manner provided for the giving of notice of hearings by the planning commission as specified in Section 65500.

(Added by Stats.1070, c. 677, p. 1307, §1.)

Asterisks * * * Indicate deletions by amendment

ARTICLE 10. ADMINISTRATION OF SPECIFIC PLANS AND REGULATIONS

Sec.

65553. Open space lands; reference of proposal to planning agency for report; report to legislature [New].

§65553. Open space lands; reference of proposal to planning agency for report; report to legislature

No street shall be improved, no sewers or connections or other improvements shall be laid or public building or works including school buildings constructed within any territory for which the legislative body has adopted a specific plan regulating the use of open-space land until the matter has been referred to the planning agency for a report as to conformity with such specific plan, a copy of the report has been filed with the legislative body, and a finding made by the legislative body that the proposed improvement, connection or construction is in conformity with the specific plan. Such report shall be submitted to the legislative body within forty (40) days after the matter was referred to the planning agency. The requirements of this section shall not apply in the case of a street which was accepted, opened, or had otherwise received the legal status of a public street prior to the adoption of the specific plan.
(Added by Stats.1970, c. 1590, p. 3314, §14.)

ARTICLE 10.5. OPEN-SPACE LANDS [NEW]

Sec.

65560. Definitions.

65561. Legislative finding and declaration.

65562. Intent of legislature.

65563. Local open-space plan; interim plan, contents.

65564. Action program.

65565. Blank.

65566. Consistency of action with local plan.

65567. Consistency of proposed construction, subdivision or ordinance with local plan.

65568. Partial invalidity.

65569. Blank.

65570. Inventory of prime agricultural land resources; contents; rules and regulations [New].

Law Review Commentaries

Dilemma of preserving open space land – now to make Californians an offer they can't refuse. (1972) 13 Santa Clara L. 284.

Open space lands. Preliminary report of Joint Committee on Open Space Land. Vol. 1 of Appendix to Journal of the Senate, Reg.Sesc.1969.

Open space – what is it?

Final report of Joint Committee on Open Space Lands. P.51, 1970. Vol. 1 of appendix to Journal of the Senate.Reg., Secs. 1970.

State open space policy. Final report of Joint Committee on Open Space Lands, pp. 12, 18. 1970. Vol. 1 of Appendix to Journal of the Senate, Reg. Secs. 1970.

§65560. Definitions.

(a) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

(b) "Open-space land" is any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in this section, and which is designated on a local, regional or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat.

PROPOSED
SPECIFIC PLAN FORMAT

(Refer to Section 65451 of the Government Code)

- TITLE PAGE: Type of Plan, Name of Project, Name of Applicant, Date
Agency/Staff/Certificate of Adoption
- SECTION I: Introduction
- A. Background (on project, reasons for Specific Plan)
 - B. Purpose (of Specific Plan – 5 year phase)
- SECTION II: Brief Description of Property (Entire Ownership)
- A. Location, Acreage, Legal Description, Natural and Manmade
Features On-site and in General Vicinity
 - B. Maps:
 - 1. Vicinity
 - 2. Current Zoning and Land Uses as Designated on
County General Plan
 - 3. Current Land Uses in the Vicinity
- SECTION III: Description of Planning Area(s) (5 year phase)
- A. Planning Objectives/Concept
 - B. Land Uses: Residential, Commercial, Parks and Open
Space, Circulation
 - C. Phasing
 - D. Map: Depicting the Information Described Above, Include
Lot Layout
- SECTION IV: Conformance with and Implementation of the County Regional
Growth Management Plan and the appropriate General Plan or
Community Plan Area. Described how the proposed project

conforms with and implements the goals and objectives of each of the following County General Plan Elements:

- A. Open Space Element
- B. Land Use Element
- C. Circulation Element
- D. Recreation Element
- E. Seismic Safety Element
- F. Scenic Highway Element
- G. Public Safety Element
- H. Noise Element
- I. Housing Element
- J. Conservation Element
- K. Energy Element
- L. Public Facility

Elements of the Community Plan should be similarly discussed (when applicable) where these Elements are more specific than the General Plan (e.g. Land Use) or where the applicant considers such a discussion to further clarify the purpose and nature of the project.

Treat each element separately. Discuss the proposed project as it relates to the goals and objectives listed for the respective elements. The tabular form below may be utilized in this presentation.

(NAME OF ELEMENT)

Goals:

1. _____
2. _____
3. _____

(Briefly discuss the proposed project. Then, list and discuss applicable objectives, policies and action programs):

| REFERENCES | REGULATIONS, CONDITIONS & PROGRAMS |
|---|--|
| (Objectives, policies and action programs of those categories that pertain to the proposed project) | (Discuss all detailed regulations, conditions, programs and proposed legislation necessary or convenient for the systematic implementation of each objective listed, according to Section 65451 of the Government Code). |
| SECTION V: | Implementation. Briefly discuss discretionary (Rezone, Major Use Permit, Tentative and Final Maps) and ministerial (Grading and Building) permits that may be required. |
| SECTION VI: | APPENDICES A. Background/Supportive Studies B. Appendices to be Listed According to Each General Plan Element or Environmental Analysis Item |



ATTACHMENT E

**SPECIFIC PLANS APPLICATION FORM
(LARGE SCALE PROJECT)**

LEAVE BLANK

| | RELATED SUBMITTALS (Date) | FOR DEPARTMENT USE ONLY |
|--|------------------------------|------------------------------------|
| _____ | Preliminary Plan _____ | APP NO. SP _____ |
| _____ | Feasibility Report _____ | EIR FEES PAID _____ |
| Submitted to: _____ | EIR _____ | PROCESS DEP PD _____ |
| _____ | Rezone _____ | APPLICATION OFFICIALLY ACCEPTED |
| San Diego County Department of Planning and Land Use 5201 Ruffin Road, Suite B San Diego, CA 92123 | T.M. _____ | Date: _____ |
| | MUP _____ | By: _____ |

PART A – DEVELOPER (APPLICANT)

NAME: _____ Telephone: _____

FIRM: _____

MAILING ADDRESS: _____

PART B – PROJECT DATA

LARGE SCALE PROJECT NAME: _____

LOCATION: _____

BRIEF DESCRIPTION OF PROPOSED LAND USE: _____

PROPOSED RESIDENTIAL UNITS: _____ PROPOSED LOTS: _____

TOTAL ACRES: _____